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Attorneys for Proposed Defendant-Intervenor
CONTRA COSTA WATER DISTRICT

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

THE CALIFORNIA NATURAL
RESOURCES AGENCY, THE
CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY, THE PEOPLE
OF THE STATE OF CALIFORNIA, BY AND
THROUGH CALIFORNIA ATTORNEY
GENERAL XAVIER BECERRA,

Plaintiffs,

vs.

WILBUR ROSS, in his official capacity as
Secretary of Commerce; CHRIS OLIVER, in
his official capacity as Assistant Administrator
for Fisheries at the National Oceanic and
Atmospheric Administration; NATIONAL
MARINE FISHERIES SERVICE; DAVID
BERNHARDT, in his official capacity as
Secretary of the Interior; AURELIA
SKIPWITH, in her official capacity as Director,
U.S. Fish and Wildlife Service; U.S. FISH
AND WILDLIFE SERVICE; BRENDA
BURMAN, in her official capacity as
Commissioner of the Bureau of Reclamation;
and U.S. BUREAU OF RECLAMATION,

Defendants.

Case No. 1:20-CV-00426-DAD-EPG

Related to Case No. 1:20-CV-00431-DAD-EPG

**STIPULATION AND ORDER
REGARDING INTERVENTION OF
CONTRA COSTA WATER DISTRICT**

This stipulation is entered into by Plaintiff California Natural Resources Agency, California Environmental Protection Agency, and People of the State of California, by and through California Attorney General Xavier Becerra (“Plaintiffs”); Defendants Wilbur Ross, in his official capacity as Secretary of Commerce; Chris Oliver, in his official capacity as Assistant Administrator for Fisheries at the National Oceanic and Atmospheric Administration; National Marine Fisheries Service; David Bernhardt, in his official capacity as Secretary of Interior; Aurelia Skipwith, in her official capacity as Director of the U.S. Fish and Wildlife Service; U.S. Fish and Wildlife Service; Brenda Burman, in her official capacity as Commissioner of the Bureau of Reclamation; and U.S. Bureau of Reclamation (“Federal Defendants”); the Contra-Costa Water District (“CCWD”); and Defendants-Intervenors Sacramento River Settlement Contractors and Tehama-Colusa Canal Authority (collectively, “Sacramento River Intervenors”); State Water Contractors (“SWC”); San Luis & Delta Mendota Water Authority (“SLDMWA”); Westlands Water District (“Westlands”); Oakdale Irrigation District (“OID”); South San Joaquin Irrigation District (“SSJID”); and Friant Water Authority and Arvin-Edison Water Storage District (collectively, “Friant Intervenors”). Plaintiffs, Federal Defendants, CCWD and Defendants-Intervenors are collectively referred to hereinafter as the “Parties.”

RECITALS

WHEREAS, Plaintiffs filed the instant action naming only Federal Defendants as defendants. ECF No. 1.

WHEREAS, SLDMWA and Westlands moved to intervene, and Plaintiffs filed a notice of non-opposition to the motion on the ground that permissive intervention “is likely appropriate in this case.” ECF No. 13; ECF No. 37, at 1-2.

WHEREAS, the SWC moved to intervene, and Plaintiffs filed a notice of non-opposition to the motion on the ground that permissive intervention “is likely appropriate in this case.” ECF No. 24; ECF No. 38, at 1.

WHEREAS, the Court on April 17, 2020, issued an order granting permissive intervention to the Sacramento River Intervenors, based on a stipulation executed by Plaintiffs, Federal Defendants and the Sacramento River Intervenors. ECF No. 46.

WHEREAS, Plaintiffs filed a First Amended Complaint on April 21, 2020. ECF No. 51.

1 WHEREAS, the Court on April 23, 2020, issued an order granting the motions of
2 SLDMWA, Westlands and the SWC to intervene permissively in this action. ECF No. 65.

3 WHEREAS the Court on April 23, 2020, issued an order granting permissive intervention
4 to OID and SSJID, based on a stipulation executed by Plaintiffs, Federal Defendants, the
5 Sacramento River Intervenors, OID and SSJID. ECF No. 66.

6 WHEREAS, the Friant Intervenors on April 27, 2020, filed a stipulation for permissive
7 intervention executed by the Plaintiffs, Federal Defendants and Defendants-Intervenors. ECF No.
8 68.

9 WHEREAS, CCWD has a long-term contract with Defendant United States Bureau of
10 Reclamation (“Reclamation”) for water supply that is stored and conveyed by the Central Valley
11 Project (“CVP”), and contends that this long-term contract is authorized pursuant to the Central
12 Valley Project Improvement Act, Pub. L. No. 102-575, Title XXXIV (106 Stat. 4706, Oct. 30,
13 1992), the same federal law that authorizes the long-term CVP contracts between Reclamation
14 and other water agency intervenors in this case.

15 WHEREAS, CCWD contends that the outcome of this action could negatively impact its
16 water supply operations and its ability to fulfill its mission of providing high-quality, low-salinity
17 water to its 500,000 customers in central and eastern Contra Costa County.

18 WHEREAS, to avoid the necessity of briefing on a motion for CCWD to intervene in this
19 case, where the grounds that support CCWD’s intervention are similar to the grounds that have
20 been raised in prior motions to intervene by other intervenors in this case, and given Plaintiffs’
21 non-opposition to permissive intervention in response to such prior motions, the Parties agree that
22 CCWD should be granted leave to intervene permissively in this case.

23 NOW, THEREFORE, it is hereby stipulated by and between the Parties, through their
24 respective counsel, as follows:

- 25 1. CCWD shall be granted permissive intervention in this action.
- 26 2. CCWD shall be permitted to promptly file their answer in intervention to
27 Plaintiffs’ First Amended Complaint.
- 28 3. CCWD agrees to make a good-faith effort to avoid the duplication of any

arguments made by Federal Defendants on substantive issues raised in this matter, to the extent that Federal Defendants are making the same point in their arguments and are not merely covering the same subject matter relevant to the issues before the Court.

4. Plaintiffs and CCWD agree to meet and confer on the need for any proposed page limitations on briefing by CCWD in this action. Plaintiffs and CCWD reserve the right to seek or oppose additional limitations on the length of briefs in the event Plaintiffs and CCWD are unable to reach an agreement on page limits.

DATED: Apr. 27, 2020

PERKINS COIE LLP

By: /s/ Marc Bruner

MARC BRUNER

Attorneys for Proposed Defendant-Intervenor
CONTRA COSTA WATER DISTRICT

DATED: Apr. 27, 2020

XAVIER BECERRA

Attorney General of California

TRACY L. WINSOR

Supervising Deputy Attorney General

By: /s/ Daniel Fuchs (authorized 4/27/20)

DANIEL FUCHS

Attorneys for Plaintiffs CALIFORNIA NATURAL
RESOURCES AGENCY and PEOPLE OF THE
STATE OF CALIFORNIA BY AND THROUGH
ATTORNEY GENERAL XAVIER BECERRA

DATED: Apr. 29, 2020

U.S. DEPARTMENT OF JUSTICE ENVIRONMENT
& NATURAL RESOURCES DIVISION WILDLIFE &
MARINE RESOURCES SECTION

By: /s/ Lesley Lawrence-Hammer (authorized 4/29/20)

LESLEY LAWRENCE-HAMMER

Attorneys for FEDERAL DEFENDANTS

1
2
3 DATED: Apr. 29, 2020

DOWNEY BRAND LLP

4 By: /s/ Meredith Nickel (authorized 4/29/20)

5 MEREDITH NICKEL

6 Attorneys for Defendants-Intervenors
7 RECLAMATION DISTRICT NO. 108, SUTTER
8 MUTUAL WATER COMPANY; NATOMAS
9 CENTRAL MUTUAL WATER COMPANY; RIVER
10 GARDEN FARMS WATER COMPANY;
11 PLEASANT GROVE-VERONA MUTUAL WATER
12 COMPANY; PELGER MUTUAL WATER
13 COMPANY; MERIDIAN FARMS WATER
14 COMPANY; HENRY D. RICHTER, et al.;
15 HOWALD FARMS, INC.; OJI BROTHERS FARM,
16 INC.; OJI FAMILY PARTNERSHIP; CARTER
17 MUTUAL WATER COMPANY; WINDSWEEP
18 LAND AND LIVESTOCK COMPANY;
19 MAXWELL IRRIGATION DISTRICT; BEVERLY
20 F. ANDREOTTI, et al.; TISDALE IRRIGATION
21 AND DRAINAGE COMPANY; PROVIDENT
22 IRRIGATION DISTRICT; PRINCETON-CODORA-
23 GLENN IRRIGATION DISTRICT and TEHAMA-
24 COLUSA CANAL AUTHORITY

17 DATED: Apr. 29, 2020

SOMACH SIMMONS & DUNN

18 By: /s/ Andrew Hitchings (authorized 4/29/20)

19 ANDREW HITCHINGS

20 Attorneys for Defendants-Intervenors GLENN
21 COLUSA IRRIGATION DISTRICT;
22 RECLAMATION DISTRICT NO. 104; CONAWAY
23 PRESERVATION GROUP, LLC; DAVID AND
24 ALICE te VELDE FAMILY TRUST; PELGER
25 ROAD 1700, LLC; ANDERSON- COTTONWOOD
26 IRRIGATION DISTRICT; CITY OF REDDING; and
27 KNIGHTS LANDING INVESTORS, LLC
28

1 DATED: Apr. 30, 2020

VAN NESS FELDMAN LLP

2 By: /s/ Jenna R. Mandell-Rice (authorized 4/30/20)

3 JENNA R. MANDELL-RICE

4 Attorneys for Defendant-Intervenor
5 THE STATE WATER CONTRACTORS

6 DATED: Apr. 30, 2020

O'LAUGHLIN & PARIS, LLP

7 By: /s/ Timothy J. Wasiewski (authorized 4/30/20)

8 TIMOTHY J. WASIEWSKI

9 Attorneys for Defendant-Intervenor OAKDALE
10 IRRIGATION DISTRICT

11 DATED: Apr. 30, 2020

ROBBINS, BROWNING, GODWIN & MARCHINI

12 By: /s/ Kenneth Robbins (authorized 4/30/20)

13 KENNETH ROBBINS

14 Attorneys for Defendant-Intervenor SOUTH SAN
15 JOAQUIN IRRIGATION DISTRICT

16 DATED: Apr. 29, 2020

KAPLAN KIRSCH & ROCKWELL, LLP

17 By: /s/ Matthew Adams (authorized 4/29/20)

18 MATTHEW G. ADAMS

19 Attorneys for Defendants-Intervenors FRIANT
20 WATER AUTHORITY and ARVIN-EDISON
21 STORAGE DISTRICT

22 DATED; May 4, 2020

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD

23 By: /s/ Daniel O'Hanlon (authorized 5/4/20)

24 DANIEL J. O'HANLON

25 Attorneys for Defendants-Intervenors
26 SAN LUIS & DELTA-MENDOTA WATER
27 AUTHORITY and WESTLANDS WATER
28 DISTRICT

ORDER

The Court hereby grants permissive intervention to Contra Costa Water District pursuant to the terms of the parties' Stipulation.

IT IS SO ORDERED.

Dated: May 10, 2020


UNITED STATES DISTRICT JUDGE